

# Emergency Relief (ER) Funding

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## ER Funding Applies to:

- Federal Aid Roads (State, County, & Urban)
- Bridges on Federal Aid Roads (on-system Structures)

## ER Funding Does Not Apply to:

- Non-Federal Aid Roads
- Off-System Structures

# Steps to obtain ER Funds

- A Disaster needs to happen
- We need a Disaster Declaration (Governor or Presidential)
- We need damage
- We need to follow the proper process
- Repairing the damage (need to follow the proper process in order to receive federal funds)
- Funding Splits



# The Disaster

- Typically it is due to spring runoff or a rain event in ND that causes flood damage to roads or structures

# The Disaster Declaration

- The Governor signs a disaster declaration for the said disaster, a Presidential Declaration may follow
- The county where the damage occurred needs to be listed in that declaration
  - If county is not listed in the declaration, the county may request to be added to the declaration to NDDES. In order to be added, each county has to meet a certain threshold. Damage on the federal aid system does not count in this.

# The Damage

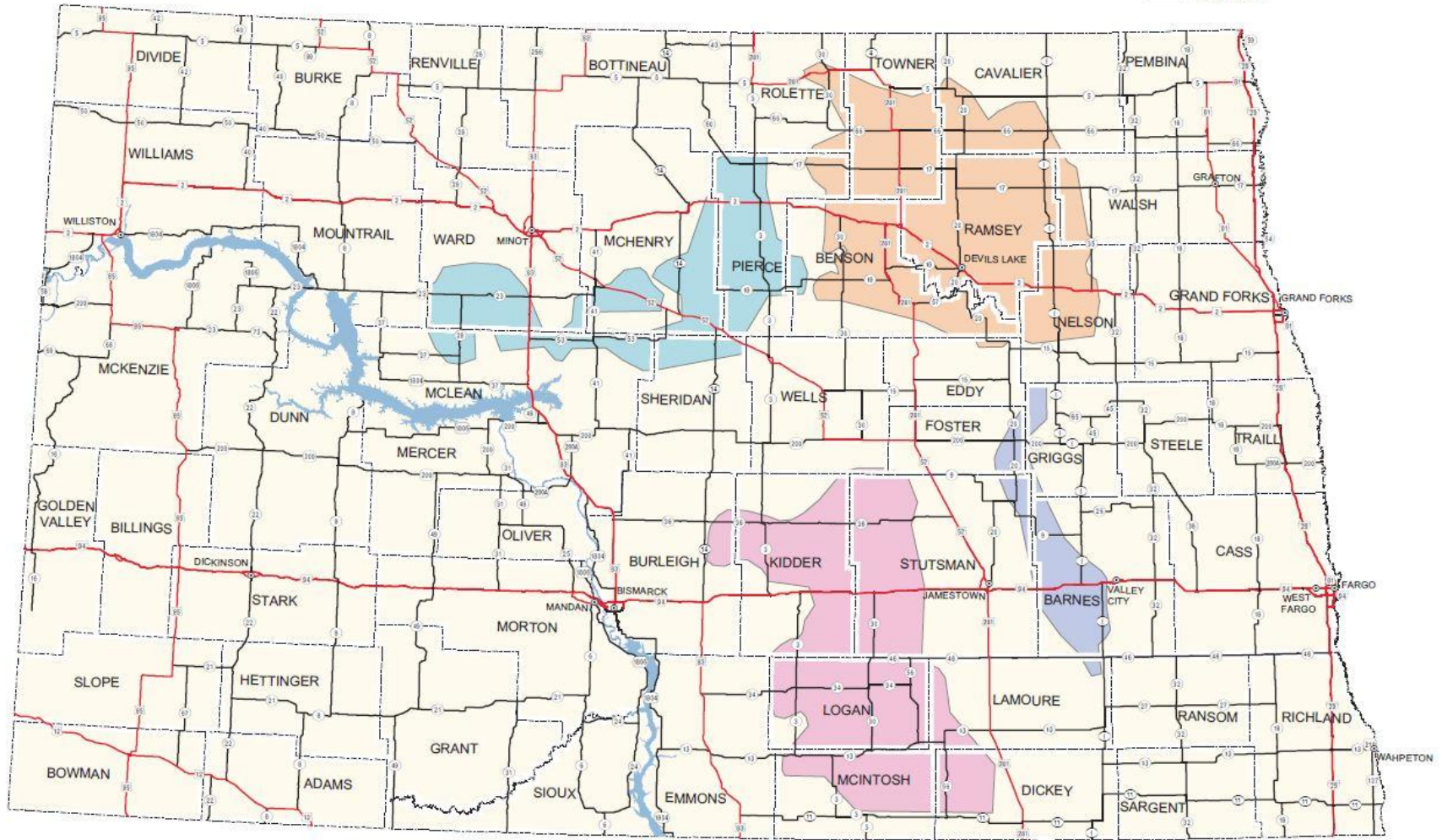
- Each site needs to exceed \$5,000 in qualifying damages (total cost), and
- We need a total of \$700,000 (federal share) in damage to have a qualifying ER event (this may be statewide or in a basin). Refer to the map on the next slide.
  - We may have up to 5 events in the state for any 1 (one) disaster.
  - Each event is limited to \$100 million (federal share) in damages.



# NORTH DAKOTA EVENT AREAS

## EVENT AREAS

- SHEYENNE/JAMES RIVER
- SOUTHERN MOUSE RIVER
- WEST JAMES RIVER
- DEVILS LAKE
- STATEWIDE



### Notice of Disclaimer

The North Dakota Department of Transportation (NDDOT) makes this map available on an "as is" basis as a public service. Under no circumstances does NDDOT warrant or certify the information to be free of errors or deficiencies of any kind. NDDOT specifically disclaims all warranties, express or implied, including but not limited to the warranties of merchantability and fitness for a particular purpose.

# Types of Qualifying Damage

- Traditional Damage
  - Usually a result of flowing water
    - Culverts or bridges washing out
    - Embankment erosion due to flowing water
    - Sheet flow over roads and completely removes surfacing
- Non-Traditional Damage – Basin Damage
  - Usually a result of rising waters
    - Road gets inundated
    - Can be scour or wave action damage threatening the roadway



# The Process

- Local Government Division (local system) or Maintenance Division (state system) must be informed of damage occurring on the federal aid roads or on-system structures ASAP
  - We need pictures, what type of damage, scope and estimate cost to repair
- If we have enough damage and we think we meet the necessary thresholds, we may have an event
  - LG will prepare a Letter of Intent to FHWA which states we are estimating we enough damage to have an ER Event
    - There may be 5 separate Letter's of Intent depending on type of damage and location (refer back to map)
  - FHWA will send back a Letter of Acknowledgement

# The Process

- Inspections of the damage sites need to be completed
  - To be conducted by LG or Maintenance, accompanied by an agency representative, possibly a NDDOT District personnel, and maybe FHWA
- After the inspection, a Detailed Damage Inspection Report (DDIR) will be completed
  - The local agency will complete this step or Maintenance Division for the state system
  - LG will review and send to FHWA for approval
- FHWA will approve or deny the DDIR as whether it is eligible for ER funds

# Repairing the Damage

- Emergency Repairs
  - Do not need prior approval from FHWA to complete these repairs
- Permanent Repairs (<\$150K) done concurrently with Emergency Repairs
  - Do not need prior approval from FHWA to complete these repairs
- Permanent Repairs only or Permanent Repairs >\$150K
  - Need prior approval and authorization from FHWA before repairs can be advertised, bid , and constructed



# Repairing the Damage

- Emergency Repairs

- Restore essential travel
- Protect remaining facilities
- Minimize extent of damage
- Can be completed anytime, even before an inspection has been made or the DDIR, but take pictures to show what you repaired
- Considered a CATEx
  - Archeological clearances must be obtained for materials used,
  - Ensure you do not take materials from a wetland (lookout for USFWS Easement tracks), AND
  - Environmental Impacts may need to be determined depending on the emergency repair conducted

# Repairing the Damage

- Emergency Repairs

- Recommended to contact 3 contractors, only required to contact 1

- Contract requirements

- Davis Bacon
- Buy America Act
- ADA
- Statewide DBE Goals
- Convict Labor Prohibition in Title 23, U.S.C. 114
- Form 1273
- Etc.

# Repairing the Damage

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  - Considered a CATEx
    - Archeological clearances must be obtained for materials used,
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    - Environmental Impacts may need to be determined depending on the emergency repair conducted



# Repairing the Damage

- Permanent Repairs (<\$150k) done Concurrently with Emergency Repairs
  - Required to contact at least 3 contractors for quotes
  - Contract requirements
    - Davis Bacon
    - Buy America Act
    - ADA
    - Statewide DBE Goals
    - Convict Labor Prohibition in Title 23, U.S.C. 114
    - Form 1273
    - Etc.

# Repairing the Damage

- Permanent Repairs
  - Prior Authorization in FMIS is required (no exceptions)
    - Authorization is requested from FHWA through FMIS
    - A funding source needs to be identified in FMIS for them to authorize
      - If ER Funds have been sent to the us, we will automatically program them funds
      - If we don't have ER funds, the owner of the road has the option to use their regular federal aid funds if available or pay for it up front (AC) and wait for ER funds to arrive
      - To AC the repairs, the agency has to be Title VI Compliant
  - A PCR or ECL is required for permanent repairs in most cases (based on Environmental Category)

# Repairing the Damage

- Permanent Repairs (con't)
  - Repair or reconstruct back to pre-disaster condition
    - Depending on the damage, new structures will need to meet current design standards (including ADA)
  - Must be formally bid process through NDDOT
    - Contract requirements
      - Davis Bacon
      - Buy America Act
      - ADA
      - Statewide DBE Goals
      - Convict Labor Prohibition in Title 23, U.S.C. 114
      - Form 1273
      - Etc.



# Funding Splits

- Emergency Repairs
  - Eligible for 100% federal funds if completed within 180 days of the event (date on Governor's Declaration is usually the start date but may be the Letter of Intent date)
  - PE or CE is included
- Permanent Repairs
  - Eligible for 100%, 90%, or 80.93% federal funds depending on the Federal aid road damaged for eligible items
  - Must advance to construction within 2-years of incident

# What's New in the ER Program

- NDDOT ER Manual (being updated)
  - Currently working with 9 divisions, 3 districts, 4 local agencies, and 3 consultants to update the manual
  - Some of the updates
    - Examples of typical sections and what qualifies for Emergency Repairs and Permanent Repairs
    - FAQ's section
    - More detailed explanation (clarified numerous items)
    - Contracting work (local agency versus state)
- DDIR Software (being updated)
  - Updates
    - Making it more user friendly
    - Making it faster
    - More robust

Questions!

